



15 JAN 1980

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM: Harry E. Fitzwater
Director of Personnel
Policy, Planning, and Management

SUBJECT: CIA Employees Non-Competitive Transfers to
Other Federal Agencies

1. At the Executive Committee Meeting on 18 December 1979 you tasked me to determine whether Agency personnel have the same civil service rights for non-competitive transfers as members of the Foreign Service. If it were found that they do not, you agreed to discuss the matter with the Director of the Office of Management and Budget.

2. The answer to the question as to Foreign Service officers' rights is set forth in Executive Order 11219 of 6 May 1965, attached. The State Department's Office of Personnel verifies that Foreign Service officers and employees do indeed have the rights and exercise them in accordance with the Executive Order. No such rights exist for Agency employees.

3. It is requested that you discuss this matter with the Director of the Office of Management and Budget.

A rectangular box used to redact the signature of Harry E. Fitzwater.

Harry E. Fitzwater

STATINTL

Att

agencies (including, as used in this Order, executive departments and other executive agencies) the heads of which are not members of the Council are to be considered by the Council, the chairman of the Council shall invite such heads to participate in the deliberations of the Council."

THE WHITE HOUSE,
April 24, 1965.

LYNDON B. JOHNSON

Executive Order 11219

PROVIDING FOR THE APPOINTMENT IN THE COMPETITIVE SERVICE OF CERTAIN PRESENT AND FORMER OFFICERS AND EMPLOYEES OF THE FOREIGN SERVICE

By virtue of the authority vested in me by section 1753 of the Revised Statutes and the Civil Service Act (22 Stat. 403), and as President of the United States, it is hereby ordered as follows:

SECTION 1. Under regulations and conditions prescribed by the Civil Service Commission, a present or former officer or employee of the Foreign Service may be appointed in the competitive service if he:

- (a) Is qualified for the position in the competitive service;
- (b) Was appointed in the Foreign Service under authority of the Foreign Service Act of 1946, as amended, or legislation that supplements or replaces that Act;
- (c) Served in the Foreign Service under an unlimited, career-type appointment and, immediately before his separation from that appointment, he completed at least one year of continuous service under one or more nontemporary appointments in the Foreign Service which may include the service that made him eligible for his career-type appointment; and
- (d) Is appointed within 3 years after his separation from the Foreign Service, or he completed at least 3 years of substantially continuous service under one or more nontemporary appointments in the Foreign Service immediately before his separation from the unlimited, career-type appointment in that Service which may include the service that made him eligible for such appointment, or he is entitled to preference under section 2 of the Veterans' Preference Act of 1944, as amended.

SEC. 2. (a) Except as provided in paragraph (b) of this section, a person appointed under Section 1 of this Order becomes a career conditional employee.

(b) A person appointed under Section 1 of this Order becomes a career employee when he:

- (1) Has completed at least 3 years of substantially continuous service under one or more nontemporary appointments in the Foreign Service immediately before his separation from the unlimited, career-type appointment in that Service which may include the service that made him eligible for such appointment;

(2) Is appointed to a position in the competitive service required by law or Executive order to be filled on a permanent or career basis; or

(3) Has completed the service requirement for career tenure in the competitive service.

For the purpose of subparagraph (3) of this paragraph, service in the Foreign Service is creditable in meeting the service requirement only if the person concerned is appointed to a nontemporary position in the competitive service under Section 1 of this Order within 30 days after his separation from the Foreign Service.

SEC. 3. A person appointed to a nontemporary position in the competitive service under Section 1 of this Order acquires a competitive status automatically on appointment.

SEC. 4. Any law, Executive order, or regulation that would disqualify an applicant for appointment in the competitive service shall also disqualify a person for appointment under Section 1 of this Order.

SEC. 5. For the purpose of this Order, a person is deemed to be an officer or employee in the "Foreign Service" if he was appointed in any agency under authority of the Foreign Service Act of 1946, as amended, or legislation that supplements or replaces that Act.

LYNDON B. JOHNSON

THE WHITE HOUSE,
May 6, 1965.

Amended by E.O. 12107

Dec. 28, 1978

Executive Order 11220

TRANSFERRING LANDS IN THE STATE OF WASHINGTON FROM THE OKANOGAN NATIONAL FOREST TO THE WENATCHEE NATIONAL FOREST

WHEREAS a part of the Okanogan National Forest in Washington is so situated that its transfer to the Wenatchee National Forest in Washington would facilitate protection and administration of national forest land and would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and Section 11 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 521), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

All that part of the Okanogan National Forest, formerly known as the Chelan National Forest, established by Executive Order No. 823 of June 18, 1908, as amended and supplemented, which is situated in Chelan County, Washington, comprising a gross area of approximately 531,472 acres, of which about 521,944 acres consist of certain lands withdrawn from the public domain and others acquired by exchange (16 U.S.C. 485, 486) and donation (16 U.S.C. 569), is hereby

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1. DD/Pers/PPM	22	JAN 1980
2. D/PersPPM	23	JAN 1980
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4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

DDCI has a different approach to acquiring civil service rights for CIA Employees-non-competitive transfers

ACTION	PC
SUSPENSE	31 Jan 80

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FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
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OFFICE OF THE DEPUTY DIRECTOR

21 January 1980

NOTE FOR: Director of Personnel Policy,
Planning, and Management

FROM : Vince Puritano
SA/DDCI

Harry, *Harry*

The DDCI has reviewed your memorandum on CIA employee non-competitive transfers and, rather than the DDCI discussing the matter with the Director of OMB, he suggests the following.

Prepare a memorandum from him to Scotty Campbell, Director of OPM, posing our case and the issues and justifying our position. Mention that the Director of Personnel of CIA will be meeting with the appropriate people in his agency. You should then pursue it. When you are blocked or hung up at the working level in OPM, then Frank will take it up with Scotty.

V.P.
Vince P.

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